



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SEVENTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Seventeenth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7527] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7527] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles
14 John Hinderaker (*pro hac vice*)
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (702) 949-8320
18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

| | |
|---|---|
| U.S. Trustee: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| Other Party: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

###

Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

| Name | Address | Claim # | Total Amount of Claim as Listed in Claim Register | Claim Amount Subject To Objection as a Duplicative Amount |
|-------------------------------------|--|-------------|---|---|
| NANCY R GILMOUR IRA | FIRST SAVINGS BANK CUSTODIAN FOR PO BOX 1241 CAMANO ISLAND WA 98292-1241 | 10725-02380 | 406,008.22 | 203,004.11 |
| NAYLON, DOMINIQUE | PO BOX 2 TOPAZ CA 96133 | 10725-02044 | 1,168,297.62 | 584,148.81 |
| NEAL, RONALD DOUGLAS | 22853 BOXWOOD LN SANTA CLARITA CA 91390-4155 | 10725-02170 | 282,277.38 | 141,138.69 |
| NEVINS JT TEN, RICHARD & MICHELE | 1547 BOB GOALBY LN EL PASO TX 79935 | 10725-02026 | 2,798,759.62 | 1,399,379.81 |
| NEWMAN FAMILY TRUST DTD 9/20/97 | LARRY J & ELSIE D NEWMAN TTEES 1775 AUTUMN VALLEY WAY RENO NV 89523 | 10725-02150 | 1,000,238.46 | 500,119.23 |
| NORMA LAMB-GROVES TRUST DTD 2/18/03 | NORMA LAMB-GROVES TRUSTEE 1355 PLAYER CIR ST GEORGE UT 84790 | 10725-02365 | 202,986.10 | 101,493.05 |
| NOXON FAMILY TRUST | C/O ARTHUR G & JOAN NOXON TTEES 2657 WINDMILL PKWY #197 HENDERSON NV 89074-3384 | 10725-00972 | 70,853.66 | 35,426.83 |
| O'RIORDAN, JOHN E & SONHILD A | 2745 HARTWICK PINES DR HENDERSON NV 89052-7002 | 10725-01923 | 3,476,504.52 | 1,738,252.26 |
| OGREN, WILLIAM W & BETTY R | 22102 SHANNON DELL DR AUDUBON PA 19403 | 10725-02161 | 202,926.38 | 101,463.19 |
| OLGA O'BUCH TRUST DTD 5/28/98 | OLGA O'BUCH TTEE 140 GAZELLE RD RENO NV 89511 | 10725-02121 | 507,403.52 | 253,701.76 |